

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

STEVEN E. JONES, et.al.,

Defendants.

Case No. 2:12-cr-400-JAD-GWF

ORDER

This matter is before the Court on non-party Steven Ray Elswick's Motion for Return of Property Seized (#235), filed on June 23, 2014. The Government filed its Response (#250) on July 10, 2014. No reply brief was filed by Mr. Elswick.

BACKGROUND AND DISCUSSION

Mr. Elswick states that during a search of Defendant Steven E. Jones's residence, the Government seized a 2012 Conference DVD Set, a Rockfish backup driver 25" USB 20 HD Model RF HD35, and a Gateway computer S/N W40789754 belonging to Mr. Elswick. Mr. Elswick seeks the return of his property. Pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure, as interpreted by *Ramsden v. United States*, 2 F.3d 322, 324 (9th Cir. 1993), the court may entertain a motion for the return of seized property as a civil equitable proceeding to determine ownership of the property and whether it should be returned. The Government states that it does not contest the return of the subject property, but that because the property was seized from Defendant Jones's residence, it intends to contact Defendant Jones's counsel to arrange for the return of the property. The Government therefore requests that the Court deny Mr. Elswick's motion for return of his property as moot. The Government further contends that M. Elswick does not have standing to request the other relief sought in his motion.

1 The Court agrees that Mr. Elswick is not entitled to relief in his motion other than the return
2 of his property which the Government does not contest. Rather than dismiss Mr. Elswick's motion
3 as moot, however, the Court directs the Government and/or Mr. Elswick to file a status report
4 regarding the return of the property on or before August 4, 2014. If the issue regarding the return of
5 property has been resolved, then the Court will deny that part of Mr. Elswick's motion as moot.
6 Accordingly,

7 **IT IS HEREBY ORDERED** that the Plaintiff and/or Movant Steven Ray Elswick file a
8 status report with the Court on or before August 4, 2014 regarding the return of the property sought
9 in Mr. Elswick's Motion.

10 **IT IS FURTHER ORDERED** that the other relief sought by Mr. Elswick's Motion for
11 Return of Property Seized (#235) is **denied**.

12 DATED this 24th day of July, 2014.

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15 GEORGE FOLEY, JR.
16 United States Magistrate Judge
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